

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 754 OF 2006.
IN
CRIMINAL APPLCIATION no. 1042 OF 2006

Kirit Bhagwandas Gadhiya ..Applicant
V/s
The Intelligence Officer (Customs)
And Anr. ..Respondents.

Mr. Akhilesh Singh for the applicant
Mr. J.C. Satpute for respondent No.1
Mr.R.Y. Mirza for respondent No.2.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 20TH OCTOBER, 2006.

P.C.

. The applicant had preferred an application to this Court bearing Criminal Application No. 1042 of 2005. By this application he prayed that the passport be returned to him to enable him to travel abroad. That application was allowed by this court on 18th March, 2005 and upon the applicant's giving bank guarantee of Rs.10 Lakhs for a period of 5 years, the applicant was allowed to go abroad.

2. Mr. Singh appearing in support of the present application points out that the applicant could not avail of the liberty granted by this Court, because he was not in a position to arrange a Bank Guarantee of Rs. 10 Lakhs. He submits that the applicant is a tour operator and has several business opportunities abroad and if he is allowed to go abroad between 26th October, 2006 to 25th December, 2006, by reducing the sum of the Bank Guarantee, he would be able to fulfil his commitments abroad

3. He has invited my attention to para 9 to 11 of the present application and contended that the applicant would abide by all conditions and undertaking and return on the date mentioned in para 9 of this application.

4. I have perused the order passed by Mr. Justice Khanwilkar on 18th March, 2005. I have also taken note of the submission of Shri Satpute appearing for respondent NO.1. In my view, all that the applicant is seeking is a permission to go abroad for the business opportunities. He had gone previously and returned as well. In such circumstances and taking over all view of

the matter, the applicant is granted leave/permission to go abroad from 26th October, 2006 to 25th December, 2006 provided he files an undertaking by 25th October, 2006, in this Court as directed in the order dated 18th March, 2006. I am of the view, that in the peculiar facts and circumstances of this case, the amount of Bank Guarantee needs to be reduced and it is accordingly directed that the applicant shall furnish a Bank Guarantee in the sum of Rs. 5 Lakhs. Application is disposed of in the above terms.

. All concerned to act on the authenticated copy of this order.

(S.C. DHARMADHIKARI, J.)